

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

ANTHONY A. DeVIVO,
Petitioner,
Vs
UNITED STATES PROBATION OFFICE,
Respondent.

9:08-CV-673

APPEARANCES: OF COUNSEL:

ANTHONY A. DeVIVO
Petitioner, Pro Se
99-B-1896
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Box 3600
Marcy, NY 13403

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100 South Clinton Street
Syracuse, NY 13261-7198

DAVID N. HURD
United States District Judge

CHARLES E. ROBERTS, ESQ.
Asst. Attorney General

ORDER

Petitioner, Anthony A. DeVivo, brought this petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2241. By Report-Recommendation dated July 20, 2009, the Honorable Randolph F. Treece, United States Magistrate Judge, recommended that the petition for a writ of habeas corpus (Docket No. 1) be denied. The Magistrate Judge also recommended that a certificate of appealability not issue with respect to any of petitioner's claims. No objections to the Report-Recommendation have been filed.

Based upon a careful review of the entire file and the recommendations of Magistrate Judge Treece, the Report-Recommendation is accepted and adopted in whole. See 28 U.S.C. 636(b)(1).

Accordingly, it is

ORDERED that

1. The petition is DENIED;
2. The petition is DISMISSED in all respects;
3. A Certificate of Appealability will not be issued.

The Clerk is directed to enter judgment accordingly and close the file.

IT IS SO ORDERED.



United States District Judge

Dated: September 4, 2009
Utica, New York.